And now here this day to wit the twenty fourth day of September anno Dni
1703 Seventeen hundred and three comes the said George Harris by George
Plater his Attorney into this Hon.ble Court this present Court and Says
that in the record and processe aforesaid and also in the rendering of Judg.t
thereupon it is manifestly erred for that first

The writ brought by the plaintiff he was returnable the Second
tuesday of November in the year of our Lord 1703 and the Defend.t
in Lawfull court following by William Freeman the only process lay
against the plaintiffs does but no Imparlance or attorneys appearance entered
to the Action upon record which ought to have been first which reasons
the proceedings are Vicious and Erroneous and the proceedings & judgment
ought to be quashed and set aside

2. The Issue was demanded upon the Court not withstanding which a Jury
was Impannelled by order of the Court to try the Action which Jury
did not find any Issue Joyned upon the Country but upon their
to try the Issues and returned accordingly that they found no Cause
of Action which verdict being founded upon a legall Issue is
grounded less Erroneous and void and ought to be reversed and set aside

And the said George Harris by his Attorney prays that the plaintiff
may be forewarned or made to know unto the Hon.ble Isaac Lowt
that he be and appeare before this Hon.ble court to be held at Annapolis
the third tuesday in May next to hear
the record and processe aforesaid if the and further to do what is
ordered him thereupon command is given the Sheriff of Somerset at
County that he by good and lawfull men make known unto
the said Isaac Lowt if he be and appear as aforesaid to hear the
further &c. the same day is given the said George Harris also

And now here at this day to wit the twenty second day of May
being the third tuesday of the same month and the day of the
return of the said writ comes the said George Harris by his Attorney
and the said Sheriff now returns that he hath made known unto the
said Isaac if he should appear &c. if &c. as ye Court considered
good & lawfull writ.

Whereupon the said Isaac although forewarned solemnly called
answer not whereupon the said George Harris by his Attorney as before

(said

said that the record and proceedings aforesaid and also in the rendering
Judgment thereupon are manifestly erred by alledging the errors aforesaid
in fact by him alledged and prays that the Judg.t aforesaid for the errors aforesaid
by him assigned and shewn in the record and processe aforesaid being may be
reversed annulled and altogether held for nought and that he be restored to all things
that thereby he lost if any he ought to have and forasmuch as the Court here is
not advised of their Judgment of and upon the premisses day is given unto
the said George Harris until next Court to hear their Judgment
first &c. the Court yet is not &c. At which said next Court to wit the
tenth day of October anno Dni 1703 comes again the said George
Harris and for that the Court here as yet is not advised day is given unto the
said George until next Court to hear their Judgment &c.

And now here that Hereafter this day to wit the twenty fourth day of April
anno Dni 1704 comes again the said George Harris by his Attorney and
the record and processe aforesaid as the errors aforesaid being by the Court here
now duly understood It is considered that the Judgment aforesaid for
the errors aforesaid and shewn in the record and processe aforesaid being
reversed annulled and altogether held for nought the said
George Harris be also thereof restored that he may have
&c.

Stephen Charles Michael
Peter Charles Beard
Patrick Creagh

Mary land ss. Patrick Creagh late of Kent County merch.t
was attached to answer unto Stephen Charles Michaelle
Peter and Charles Beard of the City of London in the
Kingdom of England merchants of a plea of the Trespass
upon the Case and

Whereupon the said Stephen Michael and Charles Beard by William Taylard their Attorney
complains that whereas the said Patrick the twelfth day of November 1695
at Long Point Bay in the said County of Kent upon certain Communication and Contract
then and there had between him and the said Stephen Michaelle and Charles and
Contriguo unto him the said Patrick as Cargoe or cargoes of merchant goods into
this province for the said Patrick did assume upon himself and faithfully
promise unto them the said Stephen Michaelle and Charles Beard for the said
Patrick and purchase for and remitt to them good Pennie tobacco of
the growth of this province to the full value of such Cargoe or Cargoes
as should from time to time be from them sent at the market price at the
arrivall of such Cargoe or such Cargoes as should from time to time be sent as aforesaid

(and